

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION**

KENNETH E. MASON, JR.	§	
	§	
Plaintiff,	§	
	§	
VS.	§	CASE NO. 4:12CV291
	§	
BANK OF AMERICA, NATIONAL ASSOCIATION, MERSCORP, INC., MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC., STEWART TITLE COMPANY, and STEWART TITLE GUARANTY COMPANY	§	
	§	
Defendants.	§	
	§	

**MEMORANDUM ADOPTING REPORTS AND  
RECOMMENDATIONS OF THE UNITED STATES MAGISTRATE JUDGE**

Came on for consideration the reports of the United States Magistrate Judge in this action, this matter having been heretofore referred to the United States Magistrate Judge pursuant to 28 U.S.C. § 636. On February 14, 2013, the report of the Magistrate Judge was entered containing proposed findings of fact and recommendation that Plaintiff's Motion to Remand (Dkt. 40) be DENIED (*see* Dkt. 47). On February 25, 2013, the report of the Magistrate Judge was entered containing proposed findings of fact and recommendation that Bank of America, National Association, MERSCORP., Inc., and Mortgage Electronic Registration Systems, Inc.'s Motion to Dismiss Plaintiff's Second Amended Complaint (Dkt. 23) and Defendants Stewart Title Company and Stewart Title Guaranty Company's Motion to Dismiss Plaintiff's Second Amended Complaint for Failure to State a Claim (Dkt. 24) be GRANTED and that Plaintiff's claims herein be dismissed with prejudice for failure to state a claim (*see* Dkt. 49).

The court has made a *de novo* review of the objections raised by Plaintiff (Dkts. 51, 52, 54, 55) and is of the opinion that the findings and conclusions of the Magistrate Judge are correct and Plaintiff's objections are without merit as to the ultimate findings of the Magistrate Judge. The court hereby adopts the findings and conclusions of the Magistrate Judge as the findings and conclusions of this court.

Therefore, Plaintiff's Motion to Remand (Dkt. 40) is DENIED, Bank of America, National Association, MERSCORP., Inc., and Mortgage Electronic Registration Systems, Inc.'s Motion to Dismiss Plaintiff's Second Amended Complaint (Dkt. 23) and Defendants Stewart Title Company and Stewart Title Guaranty Company's Motion to Dismiss Plaintiff's Second Amended Complaint for Failure to State a Claim (Dkt. 24) are GRANTED, and Plaintiff's claims herein are dismissed with prejudice for failure to state a claim

**IT IS SO ORDERED.** \_\_\_\_\_

**SIGNED this the 28th day of March, 2013.**

  
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RICHARD A. SCELL  
UNITED STATES DISTRICT JUDGE